

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MSC, PRE TRIAL, AND TRIAL REQUIREMENTS
DEPARTMENT 6**

Mandatory Settlement Conference

1. Counsel and unrepresented parties shall comply with California Rules of Court, Rule 222.
2. Defendant government agencies shall have a representative present with authority to pay up to the amount of plaintiff's demand as disclosed in the settlement conference statement. If legislative approval would be required to pay plaintiff's demand, the agency shall have a representative present with authority to commit the agency to a recommendation to the legislative body to pay an amount up to plaintiff's demand.
3. Settlement conference statement shall include a general description of the settlement efforts undertaken by the parties, but need not disclose the contents of any settlement negotiations or the amounts discussed.

Pre Trial/Trial

1. Motions in limine shall be served on all parties and filed with the clerk of Department 6 at least 3 court days before the trial. Responsive papers shall be filed and served at least 1 court day before the trial.
2. The parties shall deposit the following with the clerk of Department 6 at least 3 court days before the trial:
 - (a) A neutral, informative, non-argumentative statement of the case suitable for reading to the jury. Include the basic uncontested facts and, to the extent necessary, the contentions of the parties. The statement should rarely exceed 4 or 5 simple sentences. Avoid legalisms and technical terms. Use plain English. The court would appreciate a joint statement agreed upon by the parties.
 - (b) A joint witness list suitable for reading to the jury that includes name, area of residence, and occupation of each witness. Unless good cause is shown at trial or for impeachment, no undisclosed witness may be called.
 - (c) A joint exhibit list, including exhibit numbers. Exhibits shall be numbered, each party taking a block of numbers (e.g., plaintiff will use numbers 1-99, defendant numbers 100-199). Mark each exhibit separately (i.e., avoid marking exhibits "4a, 4b, 4c..."). However, enlarged exhibits may be marked with the number of the exhibit from which they are enlarged and a letter (e.g., "4A").
 - (d) Jury instructions. The court would appreciate a set of jointly agreed instructions submitted with additional instructions to which one or more parties has objection. The court will permit counsel to supplement their proposed jury instructions if the need for the additional instructions could not have been anticipated prior to trial. Include the proposed special verdict. All jury instructions and verdicts should contain only the text as you wish it delivered by the court to the jury.
 - (e) The agreement of counsel, or, if there is no agreement, the separate statements of the counsel, regarding the number of alternates, the number of peremptory challenges for each party as to jurors and as to alternates, the order of exercising peremptory challenges (if

there are more than 2 parties), and whether the parties stipulate that if the last alternate juror is required to fill the place of a regular juror and one more juror is unable to complete service, a vote of 9 of 11 will constitute a verdict.

- (f) A statement of the times during the anticipated duration of the case and 4 weeks thereafter when counsel or any witness will be unavailable for trial and the reasons for unavailability.
- (g) A joint written statement indicating whether an interpreter is needed; and if so, what arrangements have been made.
- (h) If depositions, responses to requests for admissions, interrogatories or other discovery materials are to be used in lieu of live testimony at trial, the party so proposing shall state in writing at this conference, and submit to opposing counsel, all excerpts to be used. Opposing parties shall state objections, and such objections shall be heard prior to trial unless otherwise ordered by the court.

Items described in subparagraphs 2(a), 2(d), and 2(e) are not required for non-jury trials. Motions *in limine* should rarely be necessary in non-jury trials.

- 3. Call the clerk of Department 6 at 951-955-1407 on Thursday afternoon or Friday before the trial date to determine whether the court will be available to try the case. If the court will be otherwise occupied, you will be placed on 24-hour call (unless you make other arrangements because of the time necessary to travel to the court), and the case will be trailed from day to day for up to 2 weeks. If, as sometimes happens, the case is not called for trial within 2 weeks of the date it is set, the clerk will call you to arrange a new trial date.
- 4. All exhibits shall be pre-marked with exhibit tags which counsel may obtain from the clerk. Do not wait until the morning of trial to do this. Documentary exhibits and photographs (8 1/2" x 12" or smaller) are to be placed in loose-leaf binder with numbered dividers. The binders will remain at the witness stand, and it should rarely be necessary for counsel to approach the witness. Counsel are to exchange copies of the exhibits, correctly numbered, before trial commences or stipulate that each has received copies. The court requests that counsel provide a bench copy of the exhibits.
- 5. If a party intends to read from depositions during trial, the original transcripts should be lodged with the court on the first day of trial.
- 6. Except in extremely unusual circumstances, the court does not permit counsel to pass photographs or other exhibits among the jurors before the jurors retire to deliberate.
- 7. Court will normally be in session 4 days per week from 9:45 a.m. to noon and from 1:30 p.m. to 4:15 p.m. Counsel should anticipate the need for hearings outside the presence of the jury and should schedule those hearings with the court well in advance. The hearings will normally be held between 1:15 p.m. and 1:30 p.m., or after 4:15 p.m.
- 8. *Do not run out of witnesses* before the trial day concludes. The court expects that counsel will extend to one another the courtesy of calling witnesses out of order to accommodate the witnesses' schedules and to utilize the time available when a witness is delayed. However, it is the responsibility of each attorney to present evidence efficiently and continuously until his or her side rests.

Note: Jury fees of \$150 are to be deposited with the Court 25 days before the Trial Date. Each counsel is to bring two (2) checks: One (1) for court reporter fees and one (1) for jury fees on first day of trial. After the start of trial, jury fees and court reporter fees are to be paid daily.

**COUNSEL DISREGARDING THIS ORDER WITHOUT GOOD CAUSE
ARE SUBJECT TO SANCTIONS UNDER CODE OF CIVIL PROCEDURE SECTION 177.5 AND
CALIFORNIA RULES OF COURT RULE 222**